



General Assembly

Amendment

January Session, 2009

LCO No. **8433**

SB0083808433SD0

Offered by:

SEN. WILLIAMS, 29th Dist.

SEN. LOONEY, 11th Dist.

SEN. GAFFEY, 13th Dist.

SEN. HANDLEY, 4th Dist.

SEN. MCDONALD, 27th Dist.

SEN. STILLMAN, 20th Dist.

SEN. SLOSSBERG, 14th Dist.

SEN. COLAPIETRO, 31st Dist.

To: Subst. Senate Bill No. **838**

File No. 753

Cal. No. 516

"AN ACT CONCERNING CONSUMER PRIVACY AND IDENTITY THEFT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 53a-129a of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2009*):

5 (a) A person commits identity theft when such person [intentionally
6 obtains personal identifying information of another person without the
7 authorization of such other person and] knowingly uses [that] personal
8 identifying information of another person to obtain or attempt to
9 obtain, in the name of such other person, money, credit, goods,
10 services, property or medical information [in the name of such other
11 person] without the consent of such other person.

12 (b) As used in this section, "personal identifying information" means

13 any name, number or other information that may be used, alone or in
14 conjunction with any other information, to identify a specific
15 individual including, but not limited to, such individual's name, date
16 of birth, mother's maiden name, motor vehicle operator's license
17 number, Social Security number, employee identification number,
18 employer or taxpayer identification number, alien registration number,
19 government passport number, health insurance identification number,
20 demand deposit account number, savings account number, credit card
21 number, debit card number or unique biometric data such as
22 fingerprint, voice print, retina or iris image, or other unique physical
23 representation.

24 Sec. 2. Section 53a-129b of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2009*):

26 (a) A person is guilty of identity theft in the first degree when such
27 person commits identity theft, as defined in section 53a-129a, as
28 amended by this act, of another person and (1) such other person is
29 under sixty years of age, and the value of the money, credit, goods,
30 services or property obtained exceeds ten thousand dollars, or (2) such
31 other person is sixty years of age or older, and the value of the money,
32 credit, goods, services or property obtained exceeds five thousand
33 dollars.

34 (b) Identity theft in the first degree is a class B felony.

35 Sec. 3. Section 53a-129c of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2009*):

37 (a) A person is guilty of identity theft in the second degree when
38 such person commits identity theft, as defined in section 53a-129a, as
39 amended by this act, of another person and such other person is under
40 sixty years of age, and the value of the money, credit, goods, services
41 or property obtained exceeds five thousand dollars, or such other
42 person is sixty years of age or older.

43 (b) Identity theft in the second degree is a class C felony.

44 Sec. 4. Section 53a-130 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2009*):

46 (a) A person is guilty of criminal impersonation when [he] such
47 person: (1) Impersonates another and does an act in such assumed
48 character with intent to obtain a benefit or to injure or defraud another;
49 or (2) pretends to be a representative of some person or organization
50 and does an act in such pretended capacity with intent to obtain a
51 benefit or to injure or defraud another; or (3) pretends to be a public
52 servant other than a sworn member of an organized local police
53 department or the Division of State Police within the Department of
54 Public Safety, or wears or displays without authority any uniform,
55 badge or shield by which such public servant is lawfully
56 distinguished, with intent to induce another to submit to such
57 pretended official authority or otherwise to act in reliance upon that
58 pretense.

59 (b) Criminal impersonation is a class [B] A misdemeanor.

60 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) For the purposes of this
61 section, (1) "access device" includes, but is not limited to, any card,
62 plate, code, account number, mobile identification number, personal
63 identification number, telecommunication service access equipment,
64 card-reading device, scanning device, reencoder or other means that
65 could be used to access financial resources or obtain the financial
66 information, personal information or benefits of another person, and
67 (2) "personal identifying information" has the same meaning as
68 provided in section 53a-129a of the general statutes, as amended by
69 this act.

70 (b) A person is guilty of unlawful possession of a personal
71 identifying information access device when such person possesses an
72 access device, document-making equipment or authentication
73 implement for the purpose of fraudulently altering, obtaining or using
74 the personal identifying information of another person.

75 (c) Unlawful possession of an access device is a class A

76 misdemeanor.

77 Sec. 6. (NEW) (*Effective October 1, 2009*) (a) Any license, registration
78 or certificate issued by the state or any political subdivision of the state
79 that was based upon an application containing any material false
80 statement of personal identifying information, as defined in section
81 53a-129a of the general statutes, as amended by this act, is void from
82 the date of issuance and shall be surrendered, on demand, to the
83 issuing authority, provided the issuing authority has complied with
84 the notice requirements set forth in subsection (c) of section 4-182 of
85 the general statutes. Any moneys paid for such license, registration or
86 certificate shall be forfeited to the issuing authority.

87 (b) No person shall obtain, attempt to obtain or assist in the
88 procurement of any license, registration or certificate for another
89 person by misrepresentation or impersonation.

90 (c) Any license, registration or certificate obtained by
91 misrepresentation or impersonation is void from the date of issuance
92 and shall be surrendered, on demand, to the issuing authority,
93 provided the issuing authority has complied with the notice
94 requirements set forth in subsection (c) of section 4-182 of the general
95 statutes. Any moneys paid for such license, registration or certificate
96 shall be forfeited to the issuing authority.

97 (d) Nothing in this section shall be construed as a limitation upon
98 the power or authority of the state or any political subdivision thereof
99 to seek any administrative, legal or equitable relief permitted by law.

100 (e) Any person who violates subsection (b) of this section shall be
101 guilty of a class A misdemeanor.

102 Sec. 7. Section 52-571h of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2009*):

104 (a) Any person aggrieved by an act constituting a violation of
105 section 53a-129a of the general statutes, revision of 1958, revised to

106 January 1, 2003, or section 53a-129b, as amended by this act, 53a-129c,
107 as amended by this act, [or] 53a-129d or 53a-129e may bring a civil
108 action in the Superior Court for damages against the person who
109 committed the violation.

110 (b) In any civil action brought under this section in which the
111 plaintiff prevails, the court shall award the greater of one thousand
112 dollars or treble damages, together with costs and a reasonable
113 attorney's fee. Damages shall include, but need not be limited to,
114 documented lost wages and any financial loss suffered by the plaintiff
115 as a result of identity theft, as defined in section 53a-129a, as amended
116 by this act, section 53a-129b, as amended by this act, or section 53a-
117 129c, as amended by this act. The court may award other remedies
118 provided by law, including, but not limited to, the costs of providing
119 not less than two years of commercially available identity theft
120 monitoring and protection for such individual.

121 (c) No action under this section shall be brought but within [two]
122 three years from the date when the violation is discovered or in the
123 exercise of reasonable care should have been discovered.

124 Sec. 8. Section 54-93a of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective October 1, 2009*):

126 Whenever a person is convicted of a violation of section 53a-129a of
127 the general statutes, revision of 1958, revised to January 1, 2003, [or]
128 section 53a-129b, as amended by this act, 53a-129c, as amended by this
129 act, [or] 53a-129d or 53a-129e, the court [may] shall issue such orders
130 as are necessary to correct a public record that contains false
131 information as a result of such violation.

132 Sec. 9. Subsection (e) of section 54-1d of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2009*):

135 (e) Any defendant who is charged with a violation of section 53a-
136 129a of the general statutes, revision of 1958, revised to January 1, 2003,

137 [or] section 53a-129b, as amended by this act, 53a-129c, [or] as
138 amended by this act, 53a-129d or 53a-129e, and any defendant who is
139 charged with any other offense committed as a result of such violation
140 may be presented to the court in the geographical area in which the
141 person whose personal identifying information has been obtained and
142 used by the defendant resides and may be prosecuted in such
143 geographical area or judicial district.

144 Sec. 10. (NEW) (*Effective October 1, 2009*) (a) Each employer shall
145 obtain and retain employment applications in a secure manner and
146 shall employ reasonable measures to destroy or make unreadable such
147 employment applications upon disposal. Such measures shall, at a
148 minimum, include the shredding or other means of permanent
149 destruction of such employment applications in a secure setting. For
150 purposes of this section, "employer" shall have the meaning prescribed
151 to such term in section 31-128a of the general statutes.

152 (b) Any person or entity that violates the provisions of this section
153 shall be subject to a civil penalty of five hundred dollars for each
154 violation, provided such civil penalty shall not exceed five hundred
155 thousand dollars for any single event.

156 (c) The provisions of this section shall not apply to any agency or
157 political subdivision of the state.

158 (d) Any civil penalties received pursuant to this section shall be
159 deposited into the privacy protection guaranty and enforcement
160 account established pursuant to section 16 of this act.

161 Sec. 11. (NEW) (*Effective October 1, 2009*) (a) Any license, registration
162 or certificate issued by the state or any political subdivision of the
163 state, that is physically altered to conceal or misrepresent a material
164 fact, is void from the date of such alteration and shall be surrendered,
165 on demand, to the issuing authority, provided the issuing authority
166 has complied with notice requirements set forth in subsection (c) of
167 section 4-182 of the general statutes. Any moneys paid for such license,
168 registration or certificate shall be forfeited to the issuing authority.

169 (b) No person shall alter any license, registration or certificate issued
170 by the state or any political subdivision of the state.

171 (c) Any license, registration or certificate altered in violation of
172 subsection (b) of this section shall be void from the date of alteration
173 and shall be surrendered, on demand, to the issuing authority,
174 provided the issuing authority has complied with notice requirements
175 set forth in subsection (c) of section 4-182 of the general statutes. Any
176 moneys paid for such license, registration or certificate shall be
177 forfeited to the issuing authority.

178 (d) Nothing in this section shall be construed as a limitation upon
179 the power or authority of the state or any political subdivision thereof
180 to seek any administrative, legal or equitable relief permitted by law.

181 (e) Any person who violates subsection (b) of this section shall be
182 guilty of a class A misdemeanor.

183 Sec. 12. (NEW) (*Effective October 1, 2009*) (a) All property
184 constituting, or derived from, the proceeds obtained, directly or
185 indirectly, by a person as a result of a violation of section 53a-129a of
186 the general statutes, revision of 1958, revised to January 1, 2003, section
187 53a-129b of the general statutes, as amended by this act, 53a-129c of the
188 general statutes, as amended by this act, 53a-129d of the general
189 statutes, 53a-129e of the general statutes or 53a-130 of the general
190 statutes, as amended by this act, or section 5, 6 or 11 of this act shall be
191 subject to forfeiture to the state pursuant to subsection (b) of this
192 section.

193 (b) Not later than ninety days after the seizure of property subject to
194 forfeiture pursuant to subsection (a) of this section, the Chief State's
195 Attorney or a deputy chief state's attorney, state's attorney or assistant
196 or deputy assistant state's attorney may petition the court in the nature
197 of a proceeding in rem to order forfeiture of said moneys or property.
198 Such proceeding shall be deemed a civil suit in equity, in which the
199 state shall have the burden of proving all material facts by clear and
200 convincing evidence. The court shall identify the owner of such

201 property and any other person as appears to have an interest therein,
202 and order the state to give notice to such owner and any interested
203 person by certified or registered mail, and shall promptly, but not less
204 than two weeks after notice, hold a hearing on the petition. No
205 testimony offered or evidence produced by such owner or interested
206 person at such hearing and no evidence discovered as a result of or
207 otherwise derived from such testimony or evidence, may be used
208 against such owner or interested person in any proceeding, except that
209 no such owner or interested person shall be immune from prosecution
210 for perjury or contempt committed while giving such testimony or
211 producing such evidence. At such hearing the court shall hear
212 evidence and make findings of fact and enter conclusions of law and
213 shall issue a final order, from which the parties shall have such right of
214 appeal as from a decree in equity.

215 (c) No property shall be forfeited under this section to the extent of
216 the interest of an owner or lienholder by reason of any act or omission
217 committed by another person if such owner or lienholder did not
218 know and could not have reasonably known that such property was
219 being used or was intended to be used in, or was derived from,
220 criminal activity.

221 (d) Notwithstanding the provisions of subsection (a) of this section,
222 no property used or intended to be used by the owner thereof to pay
223 legitimate attorney's fees in connection with his defense in a criminal
224 prosecution shall be subject to forfeiture under this section.

225 (e) Any property ordered forfeited pursuant to subsection (b) of this
226 section shall be sold at public auction conducted by the Commissioner
227 of Administrative Services.

228 (f) The proceeds from any sale of property under subsection (e) of
229 this section shall be applied: (1) To payment of the balance due on any
230 lien preserved by the court in the forfeiture proceedings; (2) to
231 payment of any costs incurred for the storage, maintenance, security
232 and forfeiture of such property; and (3) to payment of court costs. The

233 balance, if any, shall be deposited the privacy protection guaranty and
234 enforcement account established under section 16 of this act.

235 Sec. 13. Section 42-471 of the general statutes, as amended by public
236 act 09-71, is amended by adding subsection (h) as follows (*Effective*
237 *from passage*):

238 (NEW) (h) Any civil penalties received pursuant to this section shall
239 be deposited into the privacy protection guaranty and enforcement
240 account established pursuant to section 16 of this act.

241 Sec. 14. Section 42-470 of the general statutes is repealed and the
242 following is substituted in lieu thereof (*Effective October 1, 2009*):

243 (a) For the purposes of this section, "person" means any individual,
244 firm, partnership, association, corporation, limited liability company,
245 organization or other entity, but does not include the state or any
246 political subdivision of the state, or any agency thereof.

247 (b) Except as provided in subsection (c) of this section, [on and after
248 January 1, 2005,] no person shall:

249 (1) Publicly post or publicly display in any manner an individual's
250 Social Security number. For the purposes of this subdivision, "publicly
251 post" or "publicly display" means to intentionally communicate or
252 otherwise make available to the general public;

253 (2) Print an individual's Social Security number on any card
254 required for the individual to access products or services provided by
255 such person;

256 (3) Require an individual to transmit such individual's Social
257 Security number over the Internet, unless the connection is secure or
258 the Social Security number is encrypted; or

259 (4) Require an individual to use such individual's Social Security
260 number to access an Internet web site, unless a password or unique
261 personal identification number or other authentication device is also

262 required to access the Internet web site.

263 (c) The provisions of subsection (b) of this section shall apply with
264 respect to group and individual health insurance policies providing
265 coverage of the type specified in subdivisions (1), (2), (4), (6), (10) and
266 (12) of section 38a-469 that are delivered, issued for delivery, amended,
267 renewed or continued on and after July 1, 2005.

268 (d) This section does not prevent the collection, use or release of a
269 Social Security number as required by state or federal law or the use of
270 a Social Security number for internal verification or administrative
271 purposes.

272 (e) Any person who wilfully violates the provisions of subsection (b)
273 of this section shall be fined not more than one hundred dollars for a
274 first offense and not more than five hundred dollars for a second
275 offense, and shall be fined not more than one thousand dollars or be
276 imprisoned not more than six months, or both, for each subsequent
277 offense.

278 (f) Any person who wilfully violates the provisions of subsection (b)
279 of this section shall be subject to a civil penalty of five hundred dollars
280 for each such violation, provided such civil penalty shall not exceed
281 five hundred thousand dollars for any single event.

282 (g) All civil penalties received pursuant to subsection (f) of this
283 section shall be deposited into the privacy protection guaranty and
284 enforcement account established under section 16 of this act.

285 Sec. 15. (NEW) (*Effective from passage*) (a) Except as otherwise
286 provided in section 42-471 of the general statutes, as amended by this
287 act, the Commissioner of Consumer Protection may conduct
288 investigations and hold hearings on any matter under the provisions of
289 section 42-470 of the general statutes, as amended by this act, or 42-471
290 of the general statutes, as amended by this act, section 10, 14 or 17 of
291 this act or any regulation adopted pursuant to section 19 of this act.
292 The commissioner may issue subpoenas, administer oaths, compel

293 testimony and order the production of books, records, papers and
294 documents. If any person refuses to appear, testify or produce any
295 book, record, paper or document when so ordered, upon application of
296 the commissioner, the Superior Court may make such order as may be
297 appropriate to aid in the enforcement of this section.

298 (b) (1) The Attorney General, at the request of the Commissioner of
299 Consumer Protection, may apply to the Superior Court for an order
300 temporarily or permanently restraining and enjoining any person from
301 violating any provision of section 42-470 of the general statutes, as
302 amended by this act, or 42-471 of the general statutes, as amended by
303 this act, section 10, 14 or 17 of this act or any regulation adopted
304 pursuant to section 19 of this act.

305 (2) The Attorney General, at the request of any other state agency
306 charged with enforcement of section 42-471 of the general statutes, as
307 amended by this act, pursuant to subsection (d) of said section, may
308 apply to the Superior Court for an order temporarily or permanently
309 restraining and enjoining any person from violating any provision of
310 section 42-471 of the general statutes, as amended by this act.

311 Sec. 16. (NEW) (*Effective from passage*) (a) There is established a
312 "privacy protection guaranty and enforcement account" which shall be
313 a nonlapsing account within the General Fund. The account may
314 contain any moneys required by law to be deposited in the account.
315 The account shall be used by the Commissioner of Consumer
316 Protection: (1) For the reimbursement of losses sustained by
317 individuals injured by a violation of the provisions of section 42-470 of
318 the general statutes, as amended by this act, or 42-471 of the general
319 statutes, as amended by this act, section 10, 14 or 17 of this act or any
320 regulation adopted pursuant to section 19 of this act, and (2) for the
321 enforcement of provisions of section 42-470 of the general statutes, as
322 amended by this act, or 42-471 of the general statutes, as amended by
323 this act, section 10, 14 or 17 of this act or any regulation adopted
324 pursuant to section 19 of this act.

325 (b) Payments received pursuant to section 42-470 of the general
326 statutes, as amended by this act, or 42-471 of the general statutes, as
327 amended by this act, section 10, 14 or 17 of this act or any regulation
328 adopted pursuant to section 19 of this act, shall be credited to the
329 privacy protection guaranty and enforcement account. Any money in
330 the privacy protection guaranty and enforcement account may be
331 invested or reinvested and any interest arising from such investments
332 shall be credited to said account.

333 (c) Whenever an individual obtains a court judgment against any
334 person or entity for a violation of section 42-470 of the general statutes,
335 as amended by this act, or 42-471 of the general statutes, as amended
336 by this act, section 10, 14 or 17 of this act or any regulation adopted
337 pursuant to section 19 of this act, such individual may, upon the final
338 determination of, or expiration of time for appeal in connection with
339 any such judgment, apply to the Commissioner of Consumer
340 Protection for an order directing payment out of said account of the
341 amount unpaid upon the judgment for actual damages and costs taxed
342 by the court against the person or entity, exclusive of punitive
343 damages. The application shall be made on forms provided by the
344 commissioner and shall be accompanied by a certified copy of the
345 court judgment obtained against the person or entity, together with a
346 notarized affidavit, signed and sworn to by the individual, affirming
347 that the individual: (1) Has complied with all the requirements of this
348 subsection; (2) has obtained a judgment stating the amount thereof and
349 the amount owing thereon at the date of application; and (3) except for
350 a judgment obtained by the individual in small claims court, has
351 caused to be issued a writ of execution upon such judgment, and the
352 officer executing the same has made a return showing that no bank
353 accounts or real property of the person or entity liable to be levied
354 upon in satisfaction of the judgment could be found, or that the
355 amount realized on the sale of them or of such of them as were found,
356 under the execution, was insufficient to satisfy the actual damage
357 portion of the judgment, or stating the amount realized and the
358 balance remaining due on the judgment after application thereon of

359 the amount realized. A true and attested copy of such executing
360 officer's return, when required, shall be attached to such application
361 and affidavit.

362 (d) Upon receipt of such application together with such certified
363 copy of the court judgment, notarized affidavit and true and attested
364 copy of the executing officer's return, when required, the
365 commissioner or the commissioner's designee shall inspect such
366 documents for their veracity and upon a determination that such
367 documents are complete and authentic, and a determination that the
368 individual has not been paid, the commissioner shall order payment
369 out of said account of the amount unpaid upon the judgment for actual
370 damages and costs taxed by the court against the person or entity,
371 exclusive of punitive damages.

372 (e) Whenever an individual is awarded an order of restitution
373 against any person or entity for loss or damages sustained by reason of
374 a violation of section 10, 14 or 17 of this act or any regulation adopted
375 pursuant to section 19 of this act in a proceeding brought by the
376 Attorney General at the request of the commissioner pursuant to
377 section 42-470 of the general statutes, as amended by this act, or 42-471
378 of the general statutes, as amended by this act, or in a proceeding
379 brought by the Attorney General, such individual may, upon the final
380 determination of, or expiration of time for appeal in connection with
381 any such order of restitution, apply to the commissioner for an order
382 directing payment out of said account of the amount unpaid upon the
383 order of restitution. The commissioner may issue such order upon a
384 determination that the individual has not been paid.

385 (f) Before the commissioner shall issue any order directing payment
386 out of the account to an individual pursuant to this section, the
387 commissioner shall first notify the person or entity of the individual's
388 application for an order directing payment out of the account and of
389 the person or entity's right to a hearing to contest the disbursement in
390 the event that the person or entity has already paid the individual.
391 Such notice shall be given to the person or entity not later than fifteen

392 days after the receipt by the commissioner of the individual's
393 application for an order directing payment out of said account. If the
394 person or entity requests a hearing in writing by certified mail not later
395 than fifteen days after receipt of the notice from the commissioner, the
396 commissioner shall grant such request and shall conduct a hearing in
397 accordance with the provisions of chapter 54 of the general statutes. If
398 the commissioner receives no written request by certified mail from
399 the person or entity for a hearing not later than fifteen days after the
400 person's or entity's receipt of such notice, the commissioner shall
401 determine that the individual has not been paid, and the commissioner
402 shall issue an order directing payment out of said account for the
403 amount unpaid upon the judgment for actual damages and costs taxed
404 by the court against the person or entity, exclusive of punitive
405 damages, or for the amount unpaid upon the order of restitution.

406 (g) The commissioner or the commissioner's designee may proceed
407 against any person or entity for an order of restitution arising from loss
408 or damages sustained by any individual by reason of such person's or
409 entity's violation of any of the provisions of section 42-470 of the
410 general statutes, as amended by this act, or 42-471 of the general
411 statutes, as amended by this act, section 10, 14 or 17 of this act or any
412 regulation adopted pursuant to section 19 of this act. Any such
413 proceeding shall be held in accordance with the provisions of chapter
414 54 of the general statutes. In the course of such proceeding, the
415 commissioner or the commissioner's designee shall decide whether to
416 order restitution arising from such loss or damages, and whether to
417 order payment out of said account. The commissioner or the
418 commissioner's designee may hear complaints of all individuals
419 submitting claims against a single person or entity in one proceeding.

420 (h) No application for an order directing payment out of said
421 account shall be made later than three years from the final
422 determination of or expiration of time for appeal in connection with
423 any judgment or order of restitution.

424 (i) Whenever an individual satisfies the commissioner or the

425 commissioner's designee that it is not practicable to comply with the
426 requirements of subdivision (3) of subsection (c) of this section and
427 that the individual has taken all reasonable steps to collect the amount
428 of the judgment or the unsatisfied part thereof and has been unable to
429 collect the same, said commissioner or said designee may, in his or her
430 discretion, dispense with the necessity for complying with such
431 requirement.

432 (j) In order to preserve the integrity of said account, the
433 commissioner, in his or her sole discretion, may order payment out of
434 said account of an amount less than the actual loss or damages
435 incurred by the individual or less than the order of restitution awarded
436 by the commissioner or the Superior Court.

437 (k) If the money deposited in said account is insufficient to satisfy
438 any duly authorized claim or portion thereof, the commissioner shall,
439 when sufficient money has been deposited in the account, satisfy such
440 unpaid claims or portions thereof, in the order that such claims or
441 portions thereof were originally determined.

442 (l) When the commissioner has caused any sum to be paid from said
443 account to an individual, the commissioner shall be subrogated to all
444 of the rights of the individual up to the amount paid plus reasonable
445 interest, and prior to receipt of any payment from said account, the
446 individual shall assign all of this right, title and interest in the claim up
447 to such amount to the commissioner, and any amount and interest
448 recovered by the commissioner on the claim shall be deposited in said
449 account.

450 (m) If the commissioner orders the payment of any amount as a
451 result of a claim against any party, said commissioner shall determine
452 if the person or entity is possessed of assets liable to be sold or applied
453 in satisfaction of the claim on said account. If the commissioner
454 discovers any such assets, the Attorney General shall take any action
455 necessary for the reimbursement of said account.

456 (n) If the commissioner orders the payment of an amount as a result

457 of a claim against any party, said commissioner may enter into an
458 agreement with the party whereby the party agrees to repay said
459 account in full in the form of periodic payments over a set period of
460 time.

461 Sec. 17. (NEW) (*Effective October 1, 2009*) Any person filing with the
462 Commissioner of Consumer Protection any notice, statement or other
463 document required under the provisions of section 42-470 of the
464 general statutes, as amended by this act, or 42-471 of the general
465 statutes, as amended by this act, section 10 of this act, sections 14 to 18,
466 inclusive, of this act or of any regulation adopted pursuant to section
467 19 of this act, which is false or untrue or contains any material
468 misstatement of fact shall be fined not less than five hundred dollars
469 nor more than five thousand dollars for each violation. All fines
470 received pursuant to this section shall be deposited in the privacy
471 protection guaranty and enforcement account established pursuant to
472 section 16 of this act.

473 Sec. 18. (NEW) (*Effective from passage*) Any person aggrieved by any
474 decision or order of the Commissioner of Consumer Protection
475 pursuant to section 42-470 of the general statutes, as amended by this
476 act, or 42-471 of the general statutes, as amended by this act, as
477 applicable, section 10 of this act, sections 14 to 18, inclusive, of this act
478 or any regulation adopted pursuant to section 19 of this act, may
479 appeal in accordance with the provisions of chapter 54 of the general
480 statutes.

481 Sec. 19. (NEW) (*Effective from passage*) (a) The Commissioner of
482 Consumer Protection may adopt regulations, in accordance with the
483 provisions of chapter 54 of the general statutes, to carry out the
484 provisions of section 42-470 of the general statutes, as amended by this
485 act, or 42-471 of the general statutes, as amended by this act, as
486 applicable, section 10 or sections 14 to 18, inclusive, of this act.

487 (b) Any person who wilfully violates the provisions of any
488 regulation adopted by the commissioner pursuant to subsection (a) of

489 this section shall be subject to a civil penalty of five hundred dollars for
 490 each violation, provided such penalty shall not exceed five hundred
 491 thousand dollars for any single event.

492 (c) All civil penalties received pursuant to subsection (b) of this
 493 section shall be deposited into the privacy protection guaranty and
 494 enforcement account established under section 16 of this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	53a-129a
Sec. 2	<i>October 1, 2009</i>	53a-129b
Sec. 3	<i>October 1, 2009</i>	53a-129c
Sec. 4	<i>October 1, 2009</i>	53a-130
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	52-571h
Sec. 8	<i>October 1, 2009</i>	54-93a
Sec. 9	<i>October 1, 2009</i>	54-1d(e)
Sec. 10	<i>October 1, 2009</i>	New section
Sec. 11	<i>October 1, 2009</i>	New section
Sec. 12	<i>October 1, 2009</i>	New section
Sec. 13	<i>from passage</i>	42-471(g)
Sec. 14	<i>October 1, 2009</i>	42-470
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>October 1, 2009</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section